

EXHIBIT 1

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

October 17, 2024

Rakesh Kilaru
Wilkinson Stekloff, LLP
2001 M Street, N.W., 10th Floor
Washington, D.C. 20036

Dear Mr. Kilaru:

South Dakota is in receipt of the NCAA's purported notice of CAFA compliance filed in the California court. CAFA notice is necessary "to ensure that [state Attorneys General are] . . . in a position to react if the settlement appears unfair to some or all class members." S.Rep. 109-14 at 32 (2005), reprinted in 2005 U.S.C.C.A.N. 3, 32. I write because the NCAA's notice is deficient under the terms of 28 U.S.C. § 1715(b)(7).

28 U.S.C. § 1715(b)(7) requires your notice to inform me of "the names of the class members who reside in [South Dakota] and the estimated proportionate share of the claims of such members to the entire settlement." If it is not feasible to provide this information, the notice must provide "a reasonable estimate of the number of class members residing in [South Dakota] and the estimated proportionate share of the claims of such members to the entire settlement." Your notice fails to comply with these requirements.

Instead, your notice states that you are in the process of gathering this information and instructs my office to contact Verita Global, LLC to obtain this information at a later date. Per 28 U.S.C. § 1715(a)(2), it is incumbent on you to provide the information required by 28 U.S.C. § 1715(b)(7)(A) or (B) to appropriate state officials to effect proper notice. Referring state officials to some third-party who you say will be able to provide this information at some unspecified date in the future does not comply with 28 U.S.C. § 1715(b)(7). Without the information required by 28 U.S.C. § 1715(b)(7)(A) or (B), your "notice" is deficient.

I point out that, per 28 U.S.C. § 1715(d), the settlement may not be approved earlier than 90 days from the date that South Dakota, and all other affected states, are served with the required notice. That 90 days has not started to run because the NCAA's notice is patently deficient. "Notice" which does not provide South Dakota (or any other state) with the information necessary for its Attorney General to assess if the settlement is fair to class members is no notice at all.

I encourage you to promptly correct the deficiencies in your notice to South Dakota and all other affected states within 10 days of the date of this letter, or, if that is "not feasible" at this time as you have represented to the court, please advise me of the date by which you reasonably anticipate you will be able to inform me of the names of class members who reside in South Dakota, their estimated proportionate share of the settlement, or a reasonable estimate thereof. If necessary, South Dakota will ask the California court to order the defendants to fully comply with 28 U.S.C. § 1715.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Jackley", with a long horizontal flourish extending to the right.

Marty J. Jackley
SOUTH DAKOTA ATTORNEY GENERAL
1302 E. Highway 14, Suite 1
Pierre, SD 57501

cc: Jason Sutton, Boyce Law Firm